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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 003541

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TAGS: [PGOV](#) [PINR](#) [KCOR](#) [RP](#)
SUBJECT: REACTIONS TO ESTRADA PARDON

REF: A. MANILA 3520

[1](#)B. MANILA 3086

[1](#)C. MANILA 2965

Classified By: Ambassador Kristie A. Kenney, Reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Philippine President Gloria Macapagal Arroyo's October 25 pardon of convicted former President Joseph Estrada (1998-2001) is commanding strong interest throughout Philippine society. The Arroyo administration reportedly enlisted a former Estrada cabinet member to garner support for the pardon in political circles -- with some success. The pardon drew mixed reactions from former chief executives, while the left was predictably outspoken in its rejection of Estrada's pardon. Private sector leaders generally view Arroyo's actions as a pragmatic necessity, given Estrada's lingering popularity, while prosecutors and the Acting Justice Secretary have debated the pardon's legal merits. Media coverage, while mixed, has included commentary sharply critical of the administration. END SUMMARY.

Garnering Support

[1](#)2. (C) At an October 25 dinner with the Ambassador, a former Estrada Cabinet official said that the Arroyo administration had placed him in charge of garnering support for the pardon among key political figures and others. During the dinner, he received the text of a supportive statement from former President Corazon Aquino, which Aquino later gave to the press. He said former President Fidel Ramos was not enthused about the pardon and speculated that Ramos was annoyed at not being consulted earlier. Cebu's Cardinal Vidal, according to the former Estrada official, would publicly support the pardon, and Manila Cardinal Rosales (now out of the country) would not be opposed. Notwithstanding his lack of enthusiasm for the pardon, House Speaker Jose de Venecia, Jr. would not oppose Estrada's pardon.

Business Responses

[1](#)3. (C) Among the business community, a Filipino businessman with close ties to Malacanang Palace told Ambassador that President Arroyo saw no advantage in dragging out matters, given Estrada's enduring popularity with the electorate and the President's other problems. A highly-respected businessman stressed to Ambassador that Estrada's sick and elderly 102-year-old mother was also a factor; only furloughs from incarceration had made possible Estrada's recent visits to his mother, whose death without the presence of her son would reflect poorly on Arroyo among the public.

Arroyo Administration

14. (C) Acting Justice Secretary and Solicitor General Agnes Devanadera, who worked closely with Malacanang Palace to hammer out legal details of the pardon, discussed the issue with polcouns. She viewed the pardon against the larger context of President Arroyo's overarching policies of reconciliation: Arroyo has worked for peace with Muslim insurgents, offered amnesty to communist guerrillas, and reached out to even her bitterest political opponents. In that vein, Interior Secretary Ronaldo Puno had publicly stated that Estrada deserved clemency, since he had "made the ultimate sacrifice" in stepping down for the good of the country. Although Estrada's long-running court case had been a constant and divisive public issue, Devanadera reported that Arroyo's cabinet was not united in supporting the President's move to pardon Estrada. She averred that she herself would have opposed the pardon had it not been for two points: Estrada's banishment from further public office, and the requirement that he return to the public treasury more than \$12 million in ill-gotten gains. When asked why she had confidence that Estrada would abide by these conditions, Devanadera responded that Estrada knew the pardon could be revoked if he did not comply.

Estrada's Response

15. (SBU) For his part, Estrada "thanked God for enlightening" President Arroyo, and said that he stood ready to put the divisive past behind and accept reconciliation with the President. He went on to say that his only ambition at this point was to run his own presidential library and museum. Public reaction was mixed among other former presidents. Former President Aquino said that she was happy for Estrada and his family, and expressed her hope that he would use the lessons he has learned to help the less

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fortunate. Former President Ramos was not so charitable, warning that Arroyo's move (only six weeks after Estrada's conviction) was overly hasty, since Estrada had made neither an admission of guilt nor an appeal for clemency. Ramos characterized the pardon as a "national calamity" that could even endanger the nation's security.

Critics

16. (SBU) Former Ombudsman Simeon Marcelo insisted that the President had disregarded the whole justice system in pardoning Estrada. Special Prosecutor Dennis Villa-Ignacio asserted that Arroyo had no legal basis in pardoning Estrada, since he had been impeached, and that in any event no petition had been filed pursuant to a pardon. Villa-Ignacio went on to opine that Estrada's age -- cited by Arroyo as one factor militating in favor of pardon -- was irrelevant due to Estrada's lack of remorse, usually considered an indication of a convict's potential to cause further harm to society. Acting Justice Secretary Devanadera countered to polcouns that Estrada's 2001 forced resignation was not a case of impeachment, and that the Supreme Court had "created a new kind of animal" in finding that, although Estrada had not actually resigned in person, he had "effectively resigned."

17. (SBU) Dante Jimenez, a founder of the "No Pardon for Estrada Movement" (NOPE) characterized the pardon as the saddest moment in history for Philippine justice, and a very bad precedent. On the left side of the nation's political spectrum, Representative Satur Ocampo cited the pardon as evidence of the administration's lack of seriousness in fighting corruption, while Representative Teodoro Casino described the pardon as an opportunistic political maneuver by Arroyo, rather than a magnanimous act of justice; both decried Estrada's lack of remorse. A scathing October 26 editorial in the leading daily "Philippine Inquirer" opposed Estrada's pardon, opining that political expediency had once again trumped the pursuit of justice. It went on to say that

the pardon's real purpose was not to save Estrada, but President Arroyo.

18. (C) COMMENT: Estrada's former Cabinet member was coy regarding his former boss's political future, blandly dissembling that "who knows what the people would want." Ambassador counseled that Estrada would do well to try to be a model former president, interested in key overall issues rather than meddling in petty politics. The Estrada pardon will likely remain, for the foreseeable future, a divisive and controversial issue -- one where there would appear to be little to be gained by USG involvement. Under the circumstances, our public affairs stance should be that the case is an internal matter for the Philippine government, and that we respect their decisions in the matter. END COMMENT.
KENNEY